

AMENDMENT UNDER 37 C.F.R. § 1.111
US APPLICATION NO. 09/867,634
ATTORNEY DOCKET NO. Q64771

REMARKS

Applicant thanks the Patent Office for acknowledging Applicant's claim to foreign priority, and for indicating that the certified copy of the priority document, Japanese Patent Application No. 2000-166276 dated June 2, 2000, has been made of record in the file.

Claims 1-12 have been examined on their merits.

Applicant herein cancels claims 2 and 3 without prejudice and/or disclaimer, and incorporates their recitations into independent claim 1.

Applicant herein cancels claims 8 and 9 without prejudice and/or disclaimer, and incorporates their recitations into independent claim 7.

Claims 1, 4-7 and 10-12 are all the claims presently pending in the application.

1. Claims 1-12 stand rejected under 35 U.S.C. § 112 (2nd para.) as allegedly being indefinite. The rejection of claims 2, 3, 8 and 9 is now moot due to their cancellation. Applicant traverses the § 112 (2nd para.) rejection of claims 1, 4-7 and 10-12 for at least the reasons discussed below.

Applicant herein amends claims 1 and 7 to remove the recitation of "prescribed relation" and submit that the § 112 (2nd para.) rejection of claims 1, 4-7 and 10-12 has been overcome. Applicant requests that the Patent Office reconsider and withdraw the § 112 (2nd para.) rejection of claims 1, 4-7 and 10-12.

2. Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kashiwamura *et al.* (U.S. Patent No. 6,132,108) in view of Amdursky *et al.* (U.S. Patent No. 5,557,710). The rejection of claims 2, 3, 8 and 9 is now moot due to their cancellation. Applicant traverses the § 103(a) rejection of claims 1, 4-7 and 10-12 for at least the reasons discussed below.

The Patent Office claims that the broadest reasonable interpretation of the last recitation of independent claims 1 and 7 relates to numerical convergence in a simulation. For at least the reasons discussed below, the Patent Office is mistaken in its interpretation.

The present invention recited in claims 1 and 7 is directed to simulation technology wherein a simulation of dynamic behavior is performed with sequential calculation and updating of the performance of a given design article, and the analysis of the performance of the design article is terminated when a predetermined time period has lapsed. In other words, the period of time during which the performance of the design article is to be evaluated is calculated so that unnecessary analysis time can be removed so as to shorten the total optimization time period.

The Patent Office acknowledges that Kashiwamura *et al.* fail to teach or suggest at recitations directed to determining an end time of an analysis in a performance value calculating means or in a performance value calculating step. The Patent Office alleges that Amdursky *et al.* overcome the acknowledged deficiencies of Kashiwamura *et al.*

While the Patent Office argues that Amdursky *et al.* is directed to the improvement of convergence in an analysis, the present invention recited in amended claims 1 and 7 is directed to technology that focuses on a period of time for calculation of the performance value to be

evaluated, wherein the period of time for performing dynamic analysis is shortened so that the total time period for the analysis can be shortened as well. The combination of Kashiwamura *et al.* and Amdursky *et al.* lack any teaching or suggestion of at least reducing dynamic analysis time within a simulation in order to reduce the time length of the entire simulation.

Based on at least the foregoing reasons, Applicant submits that claims 1 and 7 are allowable, and further submit that claims 4-6 and 10-12 are allowable as well, at least by virtue of their dependency from claims 1 and 7, respectively. Applicant requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1, 4-7 and 10-12.

2. Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Amdursky *et al.* The rejection of claims 2, 3, 8 and 9 is now moot due to their cancellation. Applicant respectfully traverses the § 103(a) rejection of claims 1, 4-7 and 10-12 for at least the reasons discussed below.

As discussed above, the present invention recited in claims 1 and 7 is directed to simulation technology wherein a simulation of dynamic behavior is performed with sequential calculation and updating of the performance of a given design article, and the analysis of the performance of the design article is terminated when a predetermined time period has lapsed. In other words, the period of time during which the performance of the design article is to be evaluated is calculated so that unnecessary analysis time can be removed so as to shorten the total optimization time period.

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The Patent Office acknowledges that the AAPA fails to teach or suggest at recitations directed to determining an end time of an analysis in a performance value calculating means or in a performance value calculating step. The Patent Office alleges that Amdursky *et al.* overcome the acknowledged deficiencies of the AAPA.

While the Patent Office argues that Amdursky *et al.* is directed to the improvement of convergence in an analysis, the present invention recited in amended claims 1 and 7 is directed to technology that focuses on a period of time for calculation of the performance value to be evaluated, wherein the period of time for performing dynamic analysis is shortened so that the total time period for the analysis can be shortened as well. The combination of AAPA and Amdursky *et al.* lack any teaching or suggestion of at least reducing dynamic analysis time within a simulation in order to reduce the time length of the entire simulation.

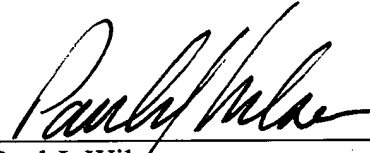
Based on at least the foregoing reasons, Applicant submits that claims 1 and 7 are allowable, and further submit that claims 4-6 and 10-12 are allowable as well, at least by virtue of their dependency from claims 1 and 7, respectively. Applicant requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1, 4-7 and 10-12.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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